

CHAPTER 1

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ARTICLE 1-4

General Provisions

Sec. 1-4-10. Definitions.

The following words and phrases, whenever used in the ordinances of the City of Brighton, Colorado, shall be construed as defined in this Section unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) *City* means the City of Brighton, Colorado, or the area within the territorial limits of the City of Brighton, Colorado, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.

(2) *Council* means the City Council of the City. *All its members, all councilmen or all councilpersons* means the total number of individuals on the City Council as provided by the general laws of the State of Colorado.

(3) *County* means the County of Adams, Colorado.

(4) *Law* denotes applicable federal law, the Constitution and statutes of the State of Colorado, the ordinances of the City of Brighton and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(5) *May* is permissive.

(6) *Month* means a calendar month.

(7) *Must* and *shall*. Each is mandatory.

(8) *Oath* shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words *swear* and *sworn* shall be equivalent to the words *affirm* and *affirmed*.

(9) *Ordinance* means a law of the City; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

(10) *Owner*, applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

(11) *Person* means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

(12) *Personal property* includes money, goods, chattels, things in action and evidences of debt.

(13) *Preceding* and *following* mean the next before and next after, respectively.

(14) *Property* includes real and personal property.

(15) *Real property* includes lands, tenements and hereditaments.

(16) *Sidewalk* means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

(17) *State* means the State of Colorado.

(18) *Street* includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any state law.

(19) *Tenant* and *occupant*, applied to a building or land, includes any person who occupies all or a part of such building or land, whether alone or with others.

(20) *Written* includes printed, typewritten, mimeographed or multigraphed.

(21) *Year* means a calendar year. (Ord. 826 §1, 1975; Ord. 1589, 1999)

Sec. 1-4-20. Grammatical interpretation.

The following grammatical rules shall apply in the ordinances of the City and this Code:

(1) Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders.

(2) Singular and plural. The singular number includes the plural and the plural includes the singular.

(3) Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

(4) Computation of time. The time within which an act is to be done shall be computed by excluding the first day and including the last day; and if the last day be Sunday or a legal holiday, that day shall be excluded.

(5) Title of office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the City. (Ord. 826 §2, 1975; Ord. 1589, 1999)

Sec. 1-4-30. Prohibited acts include causing, permitting.

Whenever in this Code or the ordinances of the City any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 826 §3, 1975; Ord. 1589, 1999)

Sec. 1-4-40. Construction of provisions.

The provisions of this Code and the ordinances of the City, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice. (Ord. 826 §4, 1975; Ord. 1589, 1999)

Sec. 1-4-50. Repeal not to revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Ord. 826 §5, 1975)

Sec. 1-4-60. Construction of terms.

All words and phrases shall be construed and understood according to the context and the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 826 §1, 1975; Ord. 1589, 1999)

Sec. 1-4-70. Authorized acts by agents.

When an act or duty is required by an ordinance, the same being such that it may be done as well by an agent or employee as by the principal or supervisor, such requirement shall be construed as to include all such acts or duties performed by a duly authorized agent, employee or representative of the principal or supervisor. (Ord. 826 §1, 1975; Ord. 1589, 1999)

ARTICLE 1-8

City Name and Organization

Sec. 1-8-10. Organization.

The City is duly organized and constituted as a city pursuant to state law, and as such is vested with all the rights, privileges and powers granted such cities by state law. (Prior code §1-201; Ord. 828 §1(part), 1975; Ord. 1589, 1999)

Sec. 1-8-20. Municipal corporation name.

It is declared that the municipal corporation known as the City of Brighton shall be and continue a municipal corporation under the name and style of the City of Brighton, Colorado. (Prior code §1-202; Ord. 828 §1(part), 1975; Ord. 1589, 1999)

ARTICLE 1-12

City Seal

Sec. 1-12-10. Established.

The common seal of the City shall be of circular shape, in the center of which shall be the word "SEAL" and with the words "CITY OF BRIGHTON, COLORADO" around the margin of the seal. The seal above described is established and declared to be the seal of the City. (Prior code §1-901)

Sec. 1-12-20. Custodian; City Clerk's duty.

The seal described in Section 1-12-10 shall be kept in the office of the City Clerk, who shall be the custodian thereof. It shall be the duty of the City Clerk to affix the seal to all instruments hereinafter mentioned; provided, however, that any other person who shall have been specifically directed so to do by resolution of the City Council may affix the seal to any such instrument. (Prior code §1-902)

Sec. 1-12-30. Use.

The seal described in Section 1-12-10 shall be affixed to all transcripts, orders or certificates which it may be necessary or proper to authenticate under the provisions of the statute in such case made and other instruments requiring the seal of the City under any law of the State or any ordinance of the City. (Prior code §1-903)

ARTICLE 1-16

Wards and Precincts

Sec. 1-16-10. Designated.

The corporate area of the City shall be and the same is divided into four (4) wards and four (4) precincts with conterminous boundaries, bounded and described as follows:

(1) Ward One and Precinct.

Beginning at a point on the north right-of-way line of Baseline Road and North 19th Avenue, Brighton City limits, said point being in the Southeast One-Quarter Section of Section 32, Township 1 North, Range 66 West of the Sixth Principal Meridian, Weld County, Colorado;

thence south along the centerline of North 19th Avenue to the centerline of Denver Street extended;

thence west to the northeast corner of Outlot A, Cottage Crossing Filing No. 2 subdivision;

thence west along the north line of Cottage Crossing Filing No. 2 subdivision (Denver Street extended) to the centerline of North 16th Avenue;

thence continuing west along the centerline of Denver Street to the centerline of North 13th Avenue;

thence south along the centerline of North 13th Avenue to the centerline of Longspeak Street;

thence west along the centerline of Longspeak Street to the centerline of 12th Avenue;

thence south along the centerline of 12th Avenue to the centerline of Skeel Street;

thence east along the centerline of Skeel Street to the centerline of South 14th Avenue;

thence south along the centerline of South 14th Avenue to the centerline of Southern Street;

thence east along the centerline of Southern Street to the centerline of Telluride Street;

thence continuing east along Southern Street extended to the centerline of South 50th Avenue (Himalaya Street);

thence north along the centerline of South 50th Avenue (Himalaya Street) to the centerline of Bridge Street;

thence east along the centerline of Bridge Street to the eastern City limits;

thence northerly and westerly along the eastern and northern City limits to the point of beginning.

(2) Ward Two and Precinct.

Beginning at the Northwest corner of Brighton City limits located in the South One-Half of Section 31, Township 1 North, Range 66 West of the Sixth Principal Meridian, Weld County, Colorado;

thence easterly and southerly to the South One-Quarter corner of Section 32, Township 1 North, Range 66 West, said point being on the center of Baseline Road;

thence east along the centerline of Baseline Road to the centerline of North 19th Avenue;

thence south along the centerline of North 19th Avenue to the centerline of Denver Street extended;

thence west to the northeast corner of Outlot A, Cottage Crossing Filing No. 2 subdivision;

thence west along the north line of Cottage Crossing Filing No. 2 subdivision (Denver Street extended) to the centerline of North 16th Avenue;

thence continuing west along the centerline of Denver Street to the centerline of North 13th Avenue;

thence south along the centerline of North 13th Avenue to the centerline of Longspeak Street;

thence west along the centerline of Longspeak Street to the centerline of 12th Avenue;

thence south along the centerline of 12th Avenue to the centerline of Skeel Street;

thence west along centerline of Skeel Street to the west line extension of Sunset View Addition subdivision;

thence south along the west line of Sunset View Addition subdivision to the centerline of Southern Street;

thence west along the centerline of Southern Street to the centerline of South 7th Avenue;

thence north along the centerline of South 7th Avenue to the centerline of Skeel Street;

thence west along the centerline of Skeel Street to the centerline of U.S. Highway 85;

thence north along the centerline of U.S. Highway 85 to the centerline of Bridge Street;

thence West along Bridge Street to the Brighton City limits;

thence northerly along western Brighton City limits to the point of beginning.

(3) Ward Three and Precinct.

Beginning at the Southwest corner of Brighton City limits located in Section 1, Township 2 South, Range 67 West of the Sixth Principal Meridian, Adams County, Colorado;

thence easterly and northerly along Brighton City limits to centerline of South 19th Avenue extended;

thence north along the centerline of South 19th Avenue extended to the centerline of Bromley Lane;

thence west along the centerline of Bromley Lane to the west line extension of Bromley Heights First Filing subdivision;

thence north along the west line of Bromley Heights First Filing subdivision to the intersection of South 6th Avenue and Voiles Street;

thence continuing north along the centerline of South 6th Avenue and South 6th Avenue extended to the centerline of Southern Street;

thence east along the centerline of Southern Street to the centerline of South 7th Avenue;

thence north along the centerline of South 7th Avenue to the centerline of Skeel Street;

thence west along the centerline of Skeel Street to the centerline of U.S. Highway 85;

thence north along the centerline of U.S. Highway 85 to the centerline of Bridge Street;

thence west along Bridge Street to the Brighton City limits;

thence southerly along western Brighton City limits to the point of beginning.

(4) Ward Four and Precinct.

Beginning at the intersection of Bromley Lane and South 19th Avenue extended, also known as the South One-Quarter corner of Section 8, Township 1 South, Range 66 West of the Sixth Principal Meridian, Adams County, Colorado;

thence west along the centerline of Bromley Lane to the west line extension of Bromley Heights First Filing subdivision;

thence north along the west line of Bromley Heights First Filing subdivision to the intersection of South 6th Avenue and Voiles Street;

thence continuing north along the centerline of South 6th Avenue and South 6th Avenue extended to the centerline of Southern Street;

thence east along the centerline of Southern Street to the west line extension of Sunset View Addition subdivision;

thence north along the west line of Sunset View Addition subdivision to the centerline of Skeel Street;

thence east along the centerline of Skeel Street to the centerline of South 14th Avenue;

thence south along the centerline of South 14th Avenue to the centerline of Southern Street;

thence east along the centerline of Southern Street to the centerline of Telluride Street;

thence continuing east along Southern Street extended to the centerline of South 50th Avenue (Himalaya Street);

thence north along the centerline of South 50th Avenue (Himalaya Street) to the centerline of Bridge Street;

thence east along the centerline of Bridge Street to the eastern City limits;

thence southerly along the eastern City limits to the centerline of South 19th Avenue extended;

thence north along the centerline of South 19th Avenue extended to the point of beginning. (Ord. 1003 §1, 1979; Ord. 1388 §§1–3, 1991; Ord. 1510 §§1–4, 1997; Ord. 1589, 1999; Ord. 1705 §1, 2001)

Sec. 1-16-20. Polling places designated.

The City Council shall, in ample time to permit the City Clerk to give proper statutory notice of each municipal election that is not conducted as a coordinated election, designate by motion or resolution at a duly convened meeting of the City Council, the polling places for each municipal election within the above-described boundaries of each municipal election precinct. (Prior code §1-306; Ord. 747 §1(part), 1973; Ord. 1510 §5, 1997)

ARTICLE 1-20

Right of Entry for Inspection

Sec. 1-20-10. Applicability; notice required.

Whenever necessary to make an inspection to enforce any of the provisions of this Code or the ordinances of the City, or whenever the City Manager or any other authorized official of the City, including members of the Department of Public Works and the Police Department, shall have reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance, any authorized official of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon any of them. However, if such building or premises are occupied, such person shall first present proper credentials and demand entry; and if such building or premises are unoccupied, such person shall first make a reasonable effort to locate the owner, occupant or other person having charge or control of the building or premises and upon locating said owner, occupant or other person, shall present proper credentials and demand entry. If entry is refused, such person shall give the owner or occupant, or if said owner or occupant cannot be located after a reasonable effort, such person shall leave at the building or premises, a written notice of intention to inspect after the expiration of twenty-four (24) hours. (Ord. 850 §1(a), 1975; Ord. 1589, 1999)

Sec. 1-20-20. Search warrant; determination of probable cause.

For the purposes of this Article, a determination of probable cause will be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant. It is unlawful for any owner or occupant of said building or premises to resist reasonable force used by any authorized official of the City acting pursuant to this Article. (Ord. 850 §1(part), 1975)

Sec. 1-20-30. Issuance and effect of search warrant.

After the expiration of said twenty-four-hour period from the giving or leaving of such notice, any authorized official of the City may appear before the Municipal Judge or any other court of competent jurisdiction, and upon showing of probable cause shall obtain a search warrant entitling him or her to enter said building or upon said premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the person may enter into the building or upon the premises using such force as may be necessary to gain entry therein. (Ord. 850 §1 (part), 1975; Ord. 1589, 1999)

Sec. 1-20-40. Issuance authority for search warrant.

A Municipal Judge, as well as any other court of competent jurisdiction in the State, shall have power to issue search warrants upon the showing of probable cause for the implementation of inspections as provided for in this Article. (Ord. 850 §1(part), 1975; Ord. 1589, 1999)

Sec. 1-20-50. Emergency situation defined.

For the purposes of this Article, an *emergency situation* includes but is not limited to any situation where there is imminent danger of loss of life, limb or property. It is unlawful for any owner or occupant of a building or premises to resist reasonable force used by an authorized official of the City acting pursuant to this Article. (Ord. 850 §1(part), 1975)

Sec. 1-20-60. Effect of emergency situation.

Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this Article, any authorized official of the City, upon a presentation of proper credentials or identification in the case of an occupied building or premises, or possession of said credentials in the case of an unoccupied building or premises, may enter into any building or upon any premises within the jurisdiction of the City. In emergency situations, such authorized official may use such reasonable force as may be necessary to gain entry into such building or upon such premises. (Ord. 850 §1(part), 1975; Ord. 1589, 1999)

ARTICLE 1-24

General Penalty

Sec. 1-24-10. Designated.

Any person convicted of violating any ordinance section or Code section may be incarcerated for a period not to exceed one (1) year or fined an amount not to exceed one thousand dollars (\$1,000.00), or both (notwithstanding any lower maximums or limitations upon sentences that may be contained in any existing ordinance or Code section of the City and any such previous limitations are hereby rescinded and nullified), including convictions for violation of traffic offenses under the Model Traffic Code adopted by ordinance; except, in nontraffic cases any person who has not become eighteen (18) years of age as of the date of the violation shall not be subject to incarceration unless such incarceration is for failure to comply with a lawful order of the Court or for contempt of Court. The Court may also order convicted defendants to pay restitution to any victim or to the City for any amount of damages or expenses related to the violation. (Ord. 827 §1, 1975; Ord. 937 §1, 1977; Ord. 1444 §2, 1993; Ord. 1589, 1999)

Sec. 1-24-20. Additional civil remedies.

In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any provision of any law or ordinance of the City shall be deemed a public nuisance and may be summarily abated as such, and each day that such condition continues shall be regarded as a new and separate violation. In addition, in any case of failure to comply with any requirement of any law or ordinance of the City, the City or any person affected by such failure may, in addition to the penalties provided by law, initiate a civil action for injunction, mandamus, abatement or any other appropriate relief to prevent, enjoin, abate, remove or eliminate such violation of any law or ordinance of the City. (Ord. 827 §2, 1975)

Sec. 1-24-30. Restitution.

In the event any violation of this Code involves injury to any person or destruction or damage to any property, the Municipal Court shall give consideration to suspension of all or part of any penalty for such violation with a corresponding condition that restitution shall be required of any person so convicted, to be made to any victim of such destruction, damage or injury. (Ord. 1015 §1, 1979)

Sec. 1-24-40. In-home detention.

Any person who is convicted of violating any ordinance section or code section under the Model Traffic Code adopted by ordinance may be ordered to serve in-home detention as part of the requirement of a suspended sentence or probation. The in-home detention shall not exceed one hundred eighty (180) days and shall be monitored by a designee appointed by the Municipal Court. The Court shall order the costs associated with the in-home detention to be paid by the convicted person. Failure to comply with an in-home detention order on the part of an individual shall constitute contempt of the Municipal Court. (Ord. 1524, 1997; Ord. 1589, 1999)